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9 Attorneys for United States of America

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA,) NO. 21-MJ-70319-MAG
14 Plaintiff,)
15 v.) STIPULATION AND ORDER EXCLUDING TIME
16 JOSE OCHOA GUTIERREZ,) UNDER THE SPEEDY TRIAL ACT AND
17 Defendant.) FEDERAL RULE OF CRIMINAL PROCEDURE
) 5.1(c) AND (d)

18 A status conference in this matter is scheduled for July 29, 2021. Counsel for the United States
19 and counsel for the defendant, Jose Ochoa Gutierrez, jointly stipulate and request that the that the status
20 conference be continued to August 26, 2021 at 1:00 pm before Magistrate Virginia K. DeMarchi and
21 time be excluded under Federal Rule of Criminal Procedure 5.1(c) and (d), and the Speedy Trial Act
22 from July 29, 2021 to August 26, 2021.

23 The government and counsel for the defendant have agreed that time be excluded under Federal
24 Rule of Criminal Procedure 5.1 and the Speedy Trial Act so that defense counsel can continue to
25 prepare. For these reasons, the parties stipulate and agree that excluding time until August 26, 2021,
26 will allow for the effective preparation of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv); FRCP 5.1(c) and
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1 (d). The parties further stipulate and agree that the ends of justice served by excluding time from July
2 29, 2021 to August 26, 2021, from computation under the Speedy Trial Act and Federal Rule of
3 Criminal Procedure 5.1(c) and (d) outweigh the best interests of the public and the defendant in a speedy
4 trial. 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv).

5 The undersigned Assistant United States Attorney certifies that she has obtained approval from
6 counsel for the defendant to file this stipulation, request, and proposed order.

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8 IT IS SO STIPULATED.

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10 DATED: July 28, 2021

/s/ Molly K. Priedeman
MOLLY K. PRIEDEMAN
Assistant United States Attorney

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12 DATED: July 28, 2021

/s/ Miranda Kane
MIRANDA KANE
Attorney for the Defendant

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ORDER

2 Based upon the representations of counsel and for good cause shown, the Court finds that failing
3 to exclude the time from July 29, 2021 to August 26, 2021, would unreasonably deny defense counsel
4 and the defendant the reasonable time necessary for effective preparation and continuity of counsel,
5 taking into account the exercise of due diligence. 18 U.S.C. §3161(h)(7)(B)(iv). The Court further finds
6 that the ends of justice served by excluding the time from July 29, 2021 to August 26, 2021, from
7 computation under the Speedy Trial Act and Federal Rule of Criminal Procedure 5.1(c) and (d)
8 outweighs the best interests of the public and the defendant in a speedy trial. Therefore, and with the
9 consent of the parties, IT IS HEREBY ORDERED that the time from July 29, 2021 to August 26, 2021,
10 shall be excluded from computation under the Speedy Trial Act and Federal Rule of Criminal Procedure
11 5.1(c) and (d) and the status conference shall be continued to August 26, 2021 at 1:00 pm before
12 Magistrate Judge Virginia K. DeMarchi. 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv); FRCP 5.1(c),(d).

IT IS SO ORDERED.

DATED: July 28, 2021

